

ED

Notice of Allowability	Application No.	Applicant(s)	
	10/531,175	WOOTTON, SHANE RICHARD	
	Examiner	Art Unit	
	Frederick C. Nicolas	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/11/2005.
2. ☒ The allowed claim(s) is/are 1,3,4,6-21 and 23-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>7/17/2007</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>7/14/05 & 9/8/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Preliminary Amendment

1. The preliminary amendment filed on 4/11/2005 and 5/9/2005 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicant's attorney Mr. James C. Wray on 7/17/2007.

The application has been amended as follows:

Claim 3, line 3, "the" has been deleted and --a-- has been inserted.

Claim 4, line 3, "the" has been deleted and --a-- has been inserted; line 4, "stored" has been deleted.

Claim 6, line 5, "the" has been deleted; line 6, "the" has been deleted.

Claim 7, line 2, "the" first occurrence, has been deleted and --an-- has been inserted.

Claim 9, line 3, "fluid" has been deleted and --the-- has been inserted.

Claim 18, line 3, "it" has been deleted and --the apparatus-- has been inserted.

Claim 21, line 16, before "material", --the-- has been inserted; line 18, "the" first occurrence, has been deleted and --a-- has been inserted.

Claim 23, line 1, "claim 22" has been deleted and --claim 21-- has been inserted; line 1, "the" has been deleted and --a-- has been inserted.

Claim 24, line 1, "claim 22" has been deleted and --claim 21-- has been inserted;
line 3, "stored" has been deleted.

Claim 25, line 6, "the" has been deleted.

Claim 26, line 2, "the" first occurrence, has been deleted and --an-- has been
inserted.

Claim 28, line 3, before "material", --the-- has been inserted.

Claim 34, line 9, before "material", --the-- has been inserted.

Claim 36, line 14, before "material", --the-- has been inserted.

Claim 37, line 3, "it" has been deleted, and --the rod-- has been inserted.

Allowable Subject Matter

3. Claims 1,3-4,6-21,23-38 are allowed.

4. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious apparatus for dispensing material produced by a chemical reaction between a first chemical reagent and a second chemical reagent in combination with the other claimed limitations of claim 1:

"position sensing means configured to provide a measure of the position of said dispensing piston along said storage chamber".

The prior art fails to disclose or render obvious a method of dispensing material produced by a chemical reaction between a first chemical reagent and a second chemical reagent in combination with the other claimed limitations of claim 21:

"sensing a position of the dispensing piston to provide a measure of the position of the piston along the storage chamber".

Further, the prior art fails to disclose or render obvious apparatus for dispensing material produced by a chemical reaction between a first chemical reagent and a second chemical reagent in combination with the other claimed limitations of claim 36:

“wherein said closing device is a rod having an end which is moveable into said outlet of said storage chamber to provide said first position and which is retractable into said storage chamber to provide said second position”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mayr et al. 4,726,933, Stuper 5,082,633 and Fiorentini 4,832,499 disclose other types of apparatus for dispensing material produced by a chemical reaction.

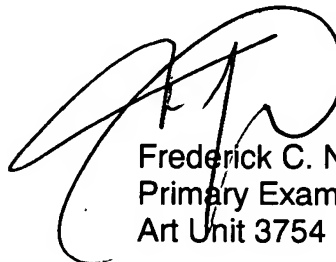
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
July 17, 2007



7/17/07
Frederick C. Nicolas
Primary Examiner
Art Unit 3754